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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 LARRY DARNELL DUNOMES,

12                  Petitioner,

13                  v.

14 WASHINGTON STATE SUPERIOR  
15                  COURT FOR PIERCE COUNTY,

16                  Respondent.

17                  CASE NO. C12-5456 BHS-JRC

18                  ORDER DIRECTING PETITIONER  
19                  TO NAME A PROPER  
20                  RESPONDENT

21                  The petitioner in this action seeks habeas corpus relief from a state conviction and  
22 sentence. The District Court has referred the case to the undersigned Magistrate Judge pursuant  
23 to 28 U.S.C. §§ 636 (b) (1) (A) and (B) and Local Magistrate Judge Rules MJR 3 and MJR 4.

24                  Petitioner names the Pierce County Superior Court as the respondent. The proper  
25 respondent is “the person having custody of the person detained.” 28 U.S.C. § 2243. Petitioner  
26 needs to name a natural person -- not a governmental entity. The proper respondent is the person  
27 having custody of the petitioner. 28 U.S.C. § 2242. This person is usually the superintendent of  
28 the facility in which the petitioner is incarcerated. The petitioner’s failure to name the correct

1 party deprives this Court of personal jurisdiction. See Stanley v. California Supreme Court, 21  
2 F.3d 359, 360 (9th Cir. 1994).

3 The Court Orders that petitioner file an amended petition or a motion to change the case  
4 caption. If petitioner files an amended petition the amended petition will act as a complete  
5 substitute for the original. The amended petition will be due on or before July 6, 2012. Failure to  
6 comply with this order will result in a Report and Recommendation that this action be dismissed  
7 for failure to comply with a court order and lack of in personam jurisdiction over the respondent.

8 The Clerk is directed to mail a copy of this Order to petitioner and note the July 6, 2012,  
9 deadline on the court's calendar.

10 Dated this 31st day of May, 2012.

11   
12 J. Richard Creatura  
13 United States Magistrate Judge